

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 22-14282-CIV-CANNON/McCabe

MAXWELL TATUM,

Plaintiff,

v.

**WILLIAM D. SNYDER and
STEVEN O'LEARY,**

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS [ECF No. 85]**

THIS CAUSE comes before the Court upon Magistrate Judge McCabe's Report and Recommendation on Defendant Snyder's Motion for Costs (the "Report") [ECF No. 85], filed on February 6, 2024.

On December 22, 2023, Defendant Snyder filed a Motion for Bill of Costs (the "Motion"), seeking \$2,725.53 in taxable costs [ECF No. 79].¹ This Court referred the Motion to Magistrate Judge Ryon M. McCabe for a report and recommendation [ECF No. 82]. On February 6, 2024, Judge McCabe issued a report, recommending that the Motion be granted in part and that Defendant Snyder be awarded \$1,780.53 in taxable costs [ECF No. 85 p. 1]. Objections to the Report were due on February 20, 2024 [ECF No. 85 p. 3]. Neither Plaintiff nor Defendant Snyder has filed objections, and the time to do so has expired [ECF No. 85 p. 3].

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation


¹ On January 22, 2024, Defendant Snyder filed a Memorandum in Support of His Bill of Costs [ECF No. 84].

to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review of the uncontested Report, the Court sees no clear error of fact or law in the report. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 85] is **ACCEPTED**.
2. Defendant Snyder's Motion for Bill of Costs [ECF No. 79; ECF No. 84] is **GRANTED IN PART**.
3. Defendant Snyder is entitled to recover taxable costs in the amount of \$1,780.53 upon entry of final judgment in this case, which has not happened yet because of pending default proceedings against Defendant O'Leary [ECF No. 86].

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 23rd day of February 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record